

**ENTERED**

September 07, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

STEVEN SIMON,

Plaintiff,

VS.

SPECIALIST STAFFING SOLUTIONS,  
INC.,

Defendant.

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CIVIL ACTION NO. 3:18-CV-211

**ORDER STRIKING PLEADING**

Pending before the Court is the defendant's motion to dismiss on the basis that this dispute is covered by an arbitration clause (Dkt. 6). The Court will construe the motion as one brought under either Federal Rule of Civil Procedure 12(b)(1) or Federal Rule of Civil Procedure 12(b)(3). *See Noble Drilling Servs., Inc. v. Certex USA, Inc.*, 620 F.3d 469, 472 n. 3 (5th Cir. 2010); *Lim v. Offshore Specialty Fabricators, Inc.*, 404 F.3d 898, 902 (5th Cir. 2005). The motion is deficient in the area(s) checked below:

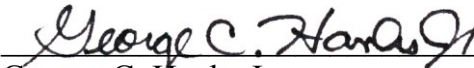
(NOTE: "L.R." refers to the Local Rules, Southern District of Texas)

1. \_\_\_ Pleading is not signed. (L.R.11.3)
2. \_\_\_ Pleading is not in compliance with L.R.11.3.A (1) through (6)
3. \_\_\_ Caption of the pleading is incomplete. (L.R.10.1)
4. \_\_\_ No certificate of service, or explanation why service is not required. (L.R.5.4)
5. \_\_\_ Motion is not in compliance with L.R.7:
  - a. \_\_\_ No statement of opposition or non-opposition. (L.R.7.2)
  - b. \_\_\_ No statement re conference w/opposing counsel. (L.R.7.1 .D)

- c. ☐ Separate proposed order not provided. (L.R.7.1.C)
- 6. ☐ Motion to consolidate is not in compliance with L.R.7.6.
- 7. ☒ Other:
  - a. ☐ Red vertical lines on pleading. (L.R.11.4)
  - b. ☐ Computer codes on proposed order (Galveston General Order 2000-1)
  - c. ☐ No space provided for date on proposed order
  - d. ☐ No leave of court
  - e. ☐ Original and One Copy filing requirement. (L.R.5.2)
  - f. ☒ Motion does not comply with Court's Procedures. *See Hanks Procedures 6.B.*

The Clerk is hereby **ORDERED** to strike docket entry 6 from the record and notify counsel of such action.

SIGNED at Galveston, Texas, this 6th day of September, 2018.

  
\_\_\_\_\_  
George C. Hanks Jr.  
United States District Judge